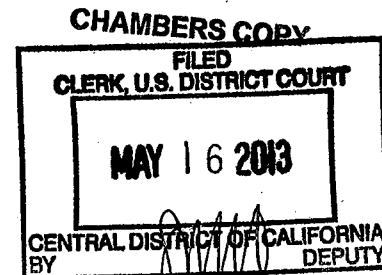


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6 Attorneys for Defendant
7 PETSMART, INC.

MANDATORY



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 PHYLLIS FRANKIE, an individual,

11 Plaintiff,

12 v.

13 PETSMART, INC., a Delaware
corporation; DOES 1-25,

14 Defendants.
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Case No. CV12-07730 GAF (FFMx)

ORDER RE:

STIPULATION RE DISMISSAL OF
ACTION PURSUANT TO RULE
41(a) OF THE FEDERAL RULES OF
CIVIL PROCEDURE

1 Plaintiff Phyllis Franke ("Plaintiff") and Defendant PetSmart, Inc.
2 ("Defendant") (collectively "the "Parties"), by and through their counsel of record,
3 hereby stipulate and agree as follows:

4 **WHEREAS**, on or about August 3, 2012, Plaintiff filed the Complaint in the
5 above-captioned matter against Defendant in Ventura County Superior Court;

6 **WHEREAS**, the Complaint asserts the following six claims for relief: (1)
7 Wrongful Termination in Violation of Public Policy; (2) Conspiracy & Aiding &
8 Abetting (Cal. Gov. Code § 12940(i)); (3) Failure to Accommodate a Disability (Cal.
9 Gov. Code §12940(m)); (4) Failure to Engage in the Interactive Process (Cal. Gov.
10 Code § 12940(n)); (5) Retaliation for Exercising Rights under FEHA (Cal. Gov. Code
11 § 12940(h)); and (6) Retaliation for Exercising Rights under CFRA (Cal. Gov. Code §
12 12945.2).

13 **WHEREAS**, after answering the Complaint, on or about September 10, 2012,
14 2012, Defendant timely removed this action to United States District Court in the
15 Central District of California based upon diversity jurisdiction under 28 U.S.C. §
16 1332;

17 **WHEREAS**, trial in this matter is scheduled for January 14, 2014;

18 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 41(a), the Parties
19 agree, that Plaintiff's Complaint and this entire action can and should be dismissed
20 with prejudice.

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23 //

1 **THEREFORE**, subject to the approval of the Court, the Parties stipulate and
2 agree that Plaintiff's Complaint and this entire action shall be and hereby is dismissed
3 with prejudice, and that each party shall bear her and its own attorneys' fees and costs
4 in connection with the prosecution and defense of this action.

5 **IT IS SO STIPULATED.**

6 Dated: May 13, 2013

Respectfully submitted,

LITTLER MENDELSON, P.C.
A Professional Corporation

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11 /s/ Steven A. Groode
12 STEVEN A. GROODE
13 JENNIFER TSAO
14 Attorneys for Defendant
15 PETSMA RT, INC.

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Dated: May 13, 2013

DONIGER/BURROUGHS APC

/s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Scott A. Burroughs, Esq.
Annie Abouljian, Esq.
Attorneys for Plaintiff
PHYLLIS FRANKE

IT IS SO ORDERED

Dated

5/16/13
[Signature]
United States District Judge